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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,835	12/13/2000	Vernon Keith Boland	8598	5833

26890 7590 10/07/2003

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EXAMINER

BORISOV, IGOR N

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 10/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/735,835

Applicant(s)

BOLAND ET AL.

Examiner

Igor Borissov

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07/30/03.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-13 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-13 and 15-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

The rejection 35 USC § 101 has been withdrawn based on the applicant's amendment of 07/30/03.

Claim Rejections - 35 USC § 102

The rejection 35 USC § 102 has been withdrawn based on the applicant's amendment of 07/30/03.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 8-12 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nonaka et al. (US 5,485,544).

Nonaka et al. teach a system and method for history sensitive help control, comprising:

As per claims 1-3, 8-10, 18 and 20,

- storing historical interaction data from communication with a consumer in a historical interaction database (Abstract; column 1, line 65 through column 2, line 36; column 3, lines 31-65; column 4, lines 20-55; column 9, lines 40-54);

- receiving a communication from the consumer through a device to obtain interaction data (Abstract; column 1, line 65 through column 2, line 36; column 3, lines 31-65; column 4, lines 20-55; column 9, lines 40-54);

- accessing in accordance with the obtained interaction data historical interaction data regarding the consumer (Abstract; column 1, line 65 through column 2, line 36; column 3, lines 31-65; column 4, lines 20-55; column 9, lines 40-54);

- generating from the accessed historical interaction data a context for the communication received from the consumer (Abstract; column 1, line 65 through column 2, line 36; column 3, lines 31-65; column 4, lines 20-55; column 9, lines 40-54).

Nonaka et al. does not specifically teach that historical interaction data from communication with a consumer includes a data between a business and a consumer.

It would have been an obvious matter of design choice at the time the invention was made to modify Nonaka et al. to include that historical interaction data from communication with a consumer includes a data between a business and a consumer, because it appears that the claimed features do not distinguish the invention over similar features in the prior art, and the teachings of Nonaka et al. would perform the invention as claimed by the applicant with interaction data having any content.

As per claims 4, 11 and 19, said system and method, further comprising the step of: transmitting the historical interaction data to the device through which the communication was received (Abstract; column 1, line 65 through column 2, line 36; column 3, lines 31-65; column 4, lines 20-55; column 9, lines 40-54).

As per claims 5 and 12, Nonaka et al. teach all the limitations of claims 5 and 12, except that the data, transmitted to the consumer, is in actionable format.

It would have been an obvious matter of design choice at the time the invention was made to modify Nonaka et al. to include that the data, presented to the consumer, is in actionable format, because it appears that the claimed features do not distinguish the invention over similar features in the prior art, and the teachings of Nonaka et al. would perform the invention as claimed by the applicant with any type of format.

Claims 7, 13 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nonaka et al. in view of Garrett (US 6,473,738).

As per claims 7, 13 and 15-17, Nonaka et al. teach all the limitations of claims 7, 13 and 15-17, except for receiving an e-mail from a consumer terminal having consumer ID data and consumer Internet session history data regarding an Internet site of the business.

Garrett teaches a system and method for multiple-person buying information arrangement with application to on-line merchandizing, comprising receiving an e-mail from a consumer terminal having consumer name, address and PIN number, and consumer on-line session history data regarding a merchandise site of the business (Figs. 1-5, 8-12; column 5, line 25 through column 6, line 58; column 7, line 39 through column 8, line 56; column 13, lines 23-33).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Nonaka et al. to include receiving an e-mail from a consumer terminal having consumer ID data and consumer Internet session history

data regarding an Internet site of the business, because it would allow to use said system and method for remotely purchasing goods over the Internet.

Response to Arguments

In response to applicant's argument that Nonaka et al. do not teach presenting the message which comes from the history buffer to the customer, examiner points out that Nonaka et al. does disclose this feature (See: column 1, lines 30-34; column 2, lines 22-29; and discussion above).

In response to applicant's argument that Garrett fails to teach generating a context, examiner points out that Garrett was applied for receiving an e-mail from a consumer terminal having consumer ID data and consumer Internet session history data regarding an Internet site of the business (See: column 5, line 25 through column 6, line 58; column 7, line 39 through column 8, line 56; column 13, lines 23-33; and discussion above).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308- 2702.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

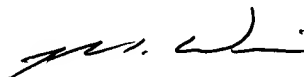
Washington D.C. 20231

or faxed to:

(703) 872-9306 [Official communications; including After Final
communications labeled "Box AF"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

IB



JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
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